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Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 ACDA-05

TRSE-00 SAJ-01 CU-02 IO-10 OIC-02 SAM-01 USIE-00

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APPROVED BY EUR/RPM:HAHOLMES
ACDA:DENGEL
JS/J-5:GWARREN
OASD/ISA:MGENBOWMAN(DRAFT)
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C O R R E C T E D C O P Y (PARA 8 LINES 10 AND 53 GARBLED)

HOLD FOR OPENING OF BUSINESS

E.O. 11652: GDS

TAGS: NATO, PARM, CSCE, PFOR, XG

SUBJECT: IMPLEMENTATION OF CONFIDENCE BUILDING MEASURES
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REF: A) USNATO 3990; B) GENEVA A-292; C) GENEVA A-270;
D) USNATO 3995

SUMMARY: FOR CONTINUING EXCHANGE OF VIEWS IN POLADS ON

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IMPLEMENTATION OF CBM'S (REF A), WE ARE SUBMITTING INTERPRETIVE PAPER ON CSCE TEXT ON NOTIFICATION OF MAJOR MILITARY MANEUVERS, WHICH U.S. REP MAY CIRCULATE IN POLADS ON AUGUST 5. PAPER IS INTENDED TO COMPLEMENT CONTRIBUTIONS BY CANADIAN CSCE REP ON CONTENT OF NOTIFICATION AND ON OBSERVERS (REFS B, C AND D). WE WOULD SUGGEST THAT ALL OF ABOVE PAPERS ALSO BE PROVIDED INFORMALLY TO SACEUR. END SUMMARY.

1. FOLLOWING IS INTERPRETIVE PAPER PREPARED BY U.S. CSCE DELEGATION MEMBER ON MANEUVER CBM, WHICH MAY BE PROVIDED TO NATO POLADS FOR INFORMATION AND COMMENTS WITH CLASSIFICATION OF "NATO RESTRICTED" (LIMITED OFFICIAL USE): BEGIN TEXT:

PRIOR NOTIFICATION OF MILITARY MANEUVERS:

THE AGREED FINAL CSCE TEXTS REGISTERED IN GENEVA AND SIGNED IN HELSINKI DEAL WITH FOUR DISTINCT ELEMENTS WHICH, TAKEN TOGETHER, WERE DESCRIBED AS "CONFIDENCE-BUILDING MEASURES." THESE ELEMENTS ARE: PRIOR NOTIFICATION OF MILITARY MANEUVERS; EXCHANGE OF OBSERVERS; PRIOR NOTIFICATION OF MAJOR MILITARY MOVEMENTS; AND "OTHER CONFIDENCE-BUILDING MEASURES." THE PURPOSE OF THIS PAPER IS TO PROVIDE BACKGROUND AND DETAILED ANALYSIS OF THE TEXT ON PRIOR NOTIFICATION OF "MAJOR" MILITARY MANEUVERS, TOGETHER WITH SOME GENERAL OBSERVATIONS ON THE TEXT ON PRIOR NOTIFICATION OF "OTHER" MILITARY MANEUVERS (ON WHICH WE UNDERSTAND FURTHER DETAILS WILL BE PROVIDED BY NORWAY).

THE PORTIONS OF THE OPERATIVE CSCE TEXT DEALING WITH MANEUVERS ARE AS FOLLOWS:

"PRIOR NOTIFICATION OF MAJOR MILITARY MANEUVERS"

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"1. THEY WILL NOTIFY THEIR MAJOR MILITARY MANEUVERS TO ALL OTHER PARTICIPATING STATES THROUGH USUAL DIPLOMATIC CHANNELS IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

"2. NOTIFICATION WILL BE GIVEN OF MAJOR MILITARY MANEUVERS EXCEEDING A TOTAL OF 25,000 TROOPS, INDEPENDENTLY OR COMBINED WITH ANY POSSIBLE AIR OR NAVAL COMPONENTS (IN THIS CONTEXT THE WORD "TROOPS" INCLUDES AMPHIBIOUS AND AIRBORNE TROOPS). IN THE CASE OF INDEPENDENT MANEUVERS OF AMPHIBIOUS OR AIRBORNE TROOPS, OR OF COMBINED MANEUVERS INVOLVING THEM, THESE TROOPS WILL BE INCLUDED IN THIS TOTAL. FURTHERMORE, IN THE CASE OF COMBINED MANEUVERS WHICH DO NOT REACH THE ABOVE

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TOTAL BUT WHICH INVOLVE LAND FORCES TOGETHER WITH SIG-
NIFICANT NUMBERS OF EITHER AMPHIBIOUS OR AIRBORNE TROOPS,
OR BOTH, NOTIFICATION CAN ALSO BE GIVEN.

"3. NOTIFICATION WILL BE GIVEN OF MAJOR MILITARY
MANEUVERS WHICH TAKE PLACE ON THE TERRITORY, IN EUROPE,
OF ANY PARTICIPATING STATE AS WELL AS, IF APPLICABLE, IN
THE ADJOINING SEA AREA AND AIR SPACE.

"4. IN THE CASE OF A PARTICIPATING STATE WHOSE
TERRITORY EXTENDS BEYOND EUROPE, PRIOR NOTIFICATION NEED
BE GIVEN ONLY OF MANEUVERS WHICH TAKE PLACE IN AN AREA
WITHIN 250 KILOMETERS FROM ITS FRONTIER FACING OR SHARED

WITH ANY OTHER EUROPEAN PARTICIPATING STATE, THE PARTI-
CIPATING STATE NEED NOT, HOWEVER, GIVE NOTIFICATION IN
CASES IN WHICH THAT AREA IS ALSO CONTIGUOUS TO THE
PARTICIPATING STATE'S FRONTIER FACING OR SHARED WITH A
NON-EUROPEAN NON-PARTICIPATING STATE.

"5. NOTIFICATION WILL BE GIVEN 21 DAYS OR MORE IN
ADVANCE OF THE START OF THE MANEUVER OR IN THE CASE OF
A MANEUVER ARRANGED AT SHORTER NOTICE AT THE EARLIEST
POSSIBLE OPPORTUNITY PRIOR TO ITS STARTING DATE.

"6. NOTIFICATION WILL CONTAIN INFORMATION OF THE
DESIGNATION, IF ANY, THE GENERAL PURPOSE OF AND THE STATES
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INVOLVED IN THE MANEUVER, THE TYPE OR TYPES AND NUMERICA;
STRENGTH OF THE FORCES ENGAGED, THE AREA AND ESTIMATED
TIME-FRAME OF ITS CONDUCT. THE PARTICIPATING STATES WILL
ALSO, IF POSSIBLE, PROVIDE ADDITIONAL RELEVANT INFORMA-
TION, PARTICULARLY THAT RELATED TO THE COMPONENTS OF THE
FORCES ENGAGED AND THE PERIOD OF INVOLVEMENT OF THESE
FORCES.

"PRIOR NOTIFICATION OF OTHER MILITARY MANEUVERS

"7. THE PARTICIPATING STATES RECOGNIZE THAT THEY
CAN CONTRIBUTE FURTHER TO STRENGTHENING CONFIDENCE AND
INCREASING SECURITY AND STABILITY, AND TO THIS END MAY
ALSO NOTIFY SMALLER-SCALE MILITARY MANEUVERS TO OTHER
PARTICIPATING STATES, WITH SPECIAL REGARD FOR THOSE NEAR
THE AREA OF SUCH MANEUVERS.

"8. TO THE SAME END, THE PARTICIPATING STATES ALSO
RECOGNIZE THAT THEY MAY NOTIFY OTHER MILITARY MANEUVERS
CONDUCTED BY THEM."

(NOTE: PARAGRAPH NUMBERS ARE NOT IN FINAL CSCE
TEXT, BUT HAVE BEEN ADDED HERE FOR REFERENCE.)

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GENERAL COMMENTARY:

NATURE OF COMMITMENT: ALTHOUGH THE VERB "WILL" IS USED IN ALL BUT TWO SENTENCES OF THE TEXT ON "MAJOR MILITARY MANEUVERS" (PARAS 1-6), THE OBLIGATION TO NOTIFY IS NOT LEGAL IN NATURE, BY VIRTUE OF THE OVERALL DISCLAIMER IN THE CSCE FINAL ACT. NOR CAN THIS OBLIGATION BE CONSIDERED IN ISOLATION FROM THE PREAMBULAR LANGUAGE ON THE MANEUVER CBM, WHICH READS:

"CONVINCED OF THE POLITICAL IMPORTANCE OF PRIOR NOTIFICATION OF MAJOR MILITARY MANEUVERS FOR THE

PROMOTION OF MUTUAL UNDERSTANDING AND THE STRENGTHENING OF CONFIDENCE, STABILITY AND SECURITY;

"ACCEPTING THE RESPONSIBILITY OF EACH OF THEM TO CONFIDENTIAL

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PROMOTE THESE OBJECTIVES AND TO IMPLEMENT THIS MEASURE, IN ACCORDANCE WITH THE ACCEPTED CRITERIA AND MODALITIES, AS ESSENTIALS FOR THE REALIZATION OF THESE OBJECTIVES;

"RECOGNIZING THAT THIS MEASURE DERIVING FROM POLITICAL DECISION RESTS UPON A VOLUNTARY BASIS;"

THE LAST PREAMBULAR CLAUSE CONTAINS AN INTENTIONAL AMBIGUITY. IT MAY BE UNDERSTOOD TO MEAN EITHER THAT THE DECISION TO UNDERTAKE THE MEASURE WAS VOLUNTARY, OR FREELY MADE (WESTERN VIEW); OR THAT THE DECISION TO IMPLEMENT THE MEASURE WILL BE VOLUNTARY, OR DISCRETIONARY (WARSAW PACT VIEW). WHICHEVER INTERPRETATION OF THE FINAL CLAUSE MAY BE ARGUED, THE PRECEDING PREAMBULAR LANGUAGE MAKES CLEAR THAT IMPLEMENTATION IS CONSIDERED A SERIOUS MATTER BY ALL PARTIES, AND THAT THE OBLIGATION TO NOTIFY "IN ACCORDANCE WITH THE ACCEPTED CRITERIA AND MODALITIES" HAS CONSIDERABLE MORAL AND POLITICAL FORCE.

MEANING OF "MAJOR MILITARY MANEUVERS:" THE TEXT DOES NOT DEFINE ANY OF THESE THREE WORDS. SINCE PERCEPTIONS OF THE SIZE OF A "MAJOR" MILITARY MANEUVER NATURALLY VARIED CONSIDERABLY AMONG THE PARTICIPANTS, THE TEXT ESTABLISHES ONLY THAT CERTAIN MAJOR MILITARY MANEUVERS ARE TO BE NOTIFIED -- NAMELY THOSE INVOLVING 25,000 TROOPS OR MORE. THE WORD "MILITARY" MAY BE UNDERSTOOD TO COMPRISE ALL ARMS OF THE UNIFORMED SERVICES. AS FOR "MANUEVERS," THERE WAS A GENERAL IF INFORMAL AGREEMENT THAT THE TERM MEANS ACTIVITY BY TWO OPPOSING FORCES IN THE FIELD UNDER SIMULATED BATTLE CONDITIONS. WHETHER OR

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NOT GEOGRAPHICALLY OR CHRONOLOGICALLY SEPARATED ACTIVITY IS TO BE COVERED IN NOTIFICATION WOULD DEPEND ON THE OVERALL CONCEPT OF THE MANEUVER DEVELOPED BY THE STATE OR STATES CONDUCTING IT. ON THE OTHER HAND, COMMAND POST AND COMMUNICATIONS EXERCISES ARE CLEARLY NOT COVERED BY THE MEASURE. MOREOVER, ANY EXERCISES INVOLVING NO MORE THAN THE DEPLOYMENT OF TROOPS TO BIVOUACK POSITIONS AND THEIR RETURN TO BASES WOULD ALSO BE EXEMPT FROM OBLIGATORY NOTIFICATION. (IN THIS CONFIDENTIAL

REGARD, THE TERM "MANEUVER" SHOULD BE CLEARLY DISTINGUISHED FROM "EXERCISE", AS DEFINED IN THE ALLIED POSITION FOR STABILIZING MEASURES IN MBFR.)

AREA OF APPLICATION: THE TEXT ESTABLISHES THAT MANEUVERS OF 25,000 TROOPS OR MORE ARE TO BE NOTIFIED IF THEY TAKE PLACE ANYWHERE ON THE TERRITORY IN EUROPE OF ANY PARTICIPATING STATE, OR IN ADJOINING WATERS AND AIR SPACE, WITH TWO EXCEPTIONS. GENERALLY STATED, THE EXCEPTIONS ARE FOR THE USSR AND TURKEY, WHICH ARE EXEMPTED FROM NOTIFICATION OF ANY MANEUVERS BEYOND 250 KILOMETERS FROM THEIR LAND AND SEA EUROPEAN FRONTIERS (INCLUDING THEIR COMMON CAUCASUS FRONTIER). THE SOVIET UNION IS ALSO EXEMPT FROM NOTIFICATION OF ANY MANEUVERS NEAR IRAN, AND TURKEY IS EXEMPT FROM NOTIFYING MANUEVERS NEAR IRAN, IRAQ AND SYRIA. THE REASON IS THAT NONE OF THESE NON-PARTICIPANT STATES HAS ASSUMED ANY RECIPROCAL OBLIGATIONS.

SPECIFIC COMMENTARY:

PARAGRAPH 1 -- "THEY WILL NOTIFY THEIR MAJOR MILITARY MANEUVERS" WOULD SEEM AT FACE VALUE TO INDICATE THAT THE STATE OR STATES CONDUCTING THE MANEUVER WOULD BE RESPONSIBLE FOR PROVIDING NOTIFICATION, RATHER THAN THE HOST STATE. HOWEVER, THE SOVIET DELEGATION IN INFORMAL DISCUSSIONS EXPRESSED THE VIEW THAT THERE WAS NO EVIDENT NEED FOR A SINGLE SET PROCEDURE, AND SUGGESTED THAT THE NATO COUNTRIES AND THE WARSAW PACT COUNTRIES MIGHT SEPARATELY DECIDE AMONG THEMSELVES WHETHER THE HOST STATE, OR THE STATE(S) CONDUCTING THE MANEUVER, OR BOTH SHOULD PROVIDE NOTIFICATION OF INDIVIDUAL MANEUVERS. IN THE CASE OF MULTINATIONAL MANEUVERS OF THE WARSAW PACT, THE SOVIETS FURTHER INDICATED THAT, BY CUSTOM, THE COMMANDING GENERAL WOULD BE A NATIONAL OF THE HOST STATE, SO THAT NOTIFICATION OF THE MANEUVER WOULD PROBABLY BE PROVIDED BY THIS STATE ALONE. ON THE OTHER HAND, THE SOVIET DELEGATION DID NOT SEE ANY OBJECTION IF NATO ALLIES FOR THEIR PART PREFERRED TO PROVIDE INDIVIDUAL NOTIFICATIONS OF THEIR PARTICIPATION IN MULTINATIONAL MANEUVERS.

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THE PHRASE "TO ALL PARTICIPATING STATES" INCORPORATES AN ESSENTIAL ELEMENT OF THE WESTERN APPROACH TO THIS MEASURE, NAMELY THAT NOTIFICATION SHOULD BE GENERAL AND NON-DISCRIMINATORY, AND NOT LIMITED TO ALLIES OR NEIGHBORING STATES. STATES PROVIDING NOTIFICATION WILL BE EXPECTED TO APPLY THIS PROVISION SCRUPULOUSLY, ENSURING THAT EVEN MINI-STATES LIKE SAN MARINO AND MONACO ARE INFORMED.

WARSAW PACT REPRESENTATIVES RESISTED THE STIPULATION THAT NOTIFICATION IS TO BE GIVEN ONLY "THROUGH USUAL

DIPLOMATIC CHANNELS" UNTIL THE VERY END OF NEGOTIATIONS. SOVIET REPRESENTATIVES ARGUED THAT THE USSR, FOR EXAMPLE, HAD NO DIPLOMATIC RELATIONS WITH SPAIN AND NO REPRESENTATION IN MONACO. HOWEVER, ON THE UNDERSTANDING THAT "USUAL DIPLOMATIC CHANNELS" CAN INCLUDE COMMUNICATIONS THROUGH UN REPRESENTATIVES, PROTECTING POWERS, ETC., AS WELL AS DIRECT EXCHANGES OF NOTES IN CAPITALS, THE SOVIETS AND OTHERS ULTIMATELY WITHDREW THEIR OBJECTIONS.

PARAGRAPH 2 -- THE FIRST SENTENCE IN THIS PARAGRAPH SETS A "THRESHOLD" OF 25,000 TROOPS, ABOVE WHICH NOTIFICATION OF MANEUVERS IS REQUIRED UNDER THE TERMS OF THE TEXT. BECAUSE OF TRANSLATION COMPLEXITIES, THE WORD "TROOPS" APPEARS IN THE FRENCH VERSION AS "MEN" AND IN GERMAN AND RUSSIAN VERSIONS AS "GROUND FORCE SOLDIERS." DESPITE THESE VARIATIONS, THE GENERAL UNDERSTANDING AT THE END OF NEGOTIATIONS WAS THAT THE TERM REFERRED TO MILITARY PERSONNEL TRAINED AND EQUIPPED TO FIGHT ON THE GROUND. IT FOLLOWS, AS EXPLAINED IN PARENTHESES AT THE END OF THE SENTENCE, THAT AMPHIBIOUS PERSONNEL (E.G., MARINES OR NAVAL INFANTRY) AND AIRBORNE PERSONNEL ARE ALSO "TROOPS." THE WORD "INDEPENDENTLY" IN THE FIRST SENTENCE REFERS TO MANEUVERS IN WHICH ONLY "TROOPS" AND ASSOCIATED GROUND FORCE EQUIPMENT ARE INVOLVED. THE PHRASE "OR COMBINED WITH ANY POSSIBLE AIR OR NAVAL COMPONENTS" APPLIES TO MANEUVERS IN WHICH ELEMENTS OF OTHER SERVICES, IN THE FIRST INSTANCE AIRCRAFT AND SHIPS, ARE ALSO TAKING PART. THE WORDS

"COMBINED MANEUVERS" IN THE FOLLOWING SENTENCES REFER BACK TO THIS PHRASE.

THE SECOND SENTENCE OF THIS PARAGRAPH IS SUPERFLUOUS, BUT WAS RETAINED AT THE REQUEST OF THE SOVIET DELEGATION TO MAKE DOUBLY CLEAR IN ALL LANGUAGES THAT

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THE NUMBER OF "TROOPS" IS THE CRITERION FOR DETERMINING WHETHER THE THRESHOLD OF 25,000 HAS BEEN REACHED. CREWS OF SHIPS AND AIRCRAFT ARE THUS EXCLUDED FROM THE RECKONING, EVEN IF THEY ARE OPERATING WITH TROOPS IN COMBINED MANEUVERS. ON THE OTHER HAND, ALL "TROOPS" INVOLVED IN THE MANEUVER MUST BE COUNTED AND ADDED TOGETHER, EVEN IF MORE THAN ONE SERVICE ARM IS INVOLVED, AS MIGHT BE THE CASE IF AND WHEN ARMY AND MARINE PERSONNEL SHOULD TAKE PART IN THE SAME MANEUVER.

THE THIRD AND FINAL SENTENCE GIVES RECOGNITION TO THE DESIRABILITY OF NOTIFICATION OF COMBINED LAND-AIR OR LAND-SEA MANEUVERS BELOW THE 25,000-TROOP THRESHOLD, IF THERE ARE SIGNIFICANT NUMBERS OF THE MORE MOBILE

AMPHIBIOUS AND AIRBORNE TROOPS INVOLVED. THE AUXILIARY VERB "CAN" HAS BEEN USED IN THIS SENTENCE TO GIVE IT SLIGHTLY MORE FORCE THAN THE PURELY DISCRETIONARY TEXTS UNDER "OTHER MILTARY MANEUVERS," BUT LESS FORCE THAN FOR NOTIFICATION OF MAJOR MILITARY MANEUVERS, FOR WHICH THE WORD "WILL" IS USED. THE MEANING OF THE WORD "SIGNIFICANT" WAS NOT IN ITSELF DISCUSSED, BUT IT SHOULD BE RECALLED THAT VARIOUS EARLIER PROPOSALS CALLED FOR AMPHIBIOUS/AIRBORNE SUB-THRESHOLDS AT THE LEVELS OF 4,000, 10,000 AND 12,000 TROOPS.

IT IS UNDERSTOOD AND ACCEPTED BY ALL THAT NONE OF THE TERMS OF THIS ENTIRE PARAGRAPH APPLY TO INDEPENDENT NAVAL MANEUVERS, INDEPENDENT AIR MANEUVERS, OR MANEUVERS INVOLVING NAVAL AND AIR ELEMENTS OPERATING TOGETHER WITHOUT "TROOPS."

PARAGRAPH 3 -- THE WORDS "IN EUROPE" IN THIS PARAGRAPH EXEMPT THE U.S. AND CANADA FROM NOTIFICATION OF MANEUVERS ON THEIR OWN TERRITORY, AND RESTRICTS CONFIDENTIAL

APPLICATION OF THIS MEASURE FOR OTHER STATES TO THEIR EUROPEAN TERRITORY. ALL CSCE PARTICIPANTS EXCEPT THE U.S. AND CANADA HAVE TERRITORY "IN EUROPE," BUT SEVERAL STATES ALSO HAVE TERRITORY BEYOND EUROPE (INCLUDING NOT ONLY THE USSR AND TURKEY, BUT ALSO THE UK, FRANCE, DENMARK, SPAIN, PORTUGAL, ETC., DEPENDING ON INTERPRE-TATIONS OF "TERRITORY.") THE PLACEMENT OF THE WORDS "IN EUROPE" IN THIS PARAGRAPH WAS CONTROVERSIAL UNTIL IT BECAME CLEAR THAT TURKISH ANATOLIA WOULD BE SPECIALLY COVERED BY THE MANEUVER CBM IN THE NEXT FOLLOWING PARAGRAPH.

THE WORDS "IF APPLICABLE" REFER BACK TO PARAGRAPH TWO. NOTIFICATION WOULD BE "APPLICABLE" IN THE ADJOINING SEA AREA AND AIR SPACE IF, FOR EXAMPLE, MORE

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THAN 25,000 AMPHIBIOUS TROOPS WERE EMBARKED FOR MANEUVERS IN EUROPEAN COASTAL WATERS, OR MORE THAN 25,000 AIRBORNE TROOPS WERE BEING CARRIED IN AIRCRAFT IN EUROPEAN AIR SPACE IN A COMBINED AIR-LAND MANEUVER.

THE WORD "ADJOINING" IS SUBJECT TO INTERPRETATION. AN EARLIER NEUTRAL PROPOSAL CALLING FOR NOTIFICATION IN A 200-MILE ZONE OF EUROPEAN COASTAL WATERS WAS REJECTED BY OTHERS AS TOO AMBITIOUS, AND THE WORDA ADJACENT" OR "ADJOINING" WERE PROPOSED INSTEAD. IN THE END, "ADJOINING" WAS SELECTED TO AVOID ANY POSSIBLE LEGAL ARGUMENTS OVER THE MEANING OF "ADJACENT" IN LAW OF THE SEA NEGOTIATIONS. IT SEEMS LIKELY THAT "ADJOINING" WOULD BE CONSIDERED BY EACH PARTICIPANT TO COVER ITS TERRITORIAL

WATERS. WHETHER "ADJOINING" SHOULD BE CONSIDERED TO EXTEND BEYOND TERRITORIAL WATERS REMAINS TO BE DECIDED AT THE DISCRETION OF THE NOTIFYING STATE(S).

IN THE EVENT OF COMBINED MANEUVERS ABOVE THE 25,000 TROOP THRESHOLD IN EUROPE, THERE IS ALSO A QUESTION OF INTERPRETATION AS TO WHETHER DIRECTLY ASSOCIATED ACTIVITY BEYOND THE "ADJOINING SEA AREA" WOULD BE NOTIFIED. WHILE THIS PARAGRAPH BY ITSELF WOULD APPEAR TO RULE OUT ANY SUCH REQUIREMENT, IT SHOULD BE NOTED THAT IDENTIFICATION OF THE AREA OF THE MANEUVER, AS REQUIRED IN PARAGRAPH 6,
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WOULD SEEM TO BE INCOMPLETE WITHOUT THIS INFORMATION.

PARAGRAPH 4 -- IT IS CLEARLY UNDERSTOOD AND ACCEPTED BY ALL THAT ONLY THE USSR AND TURKEY HAVE TERRITORY THAT "EXTENDS" BEYOND EUROPE. OTHER PARTICIPANTS MAY HAVE TERRITORY BEYOND EUROPE, BUT IT IS NOT CONSIDERED TO "EXTEND" FROM EUROPE IN THE SAME FASHION AS SIBERIA AND ANATOLIA. THE GENERAL AND SOMEWHAT CUMBERSOME LANGUAGE USED TO DESCRIBE THE USSR AND TURKEY WAS ADOPTED LARGELY FOR POLITICAL AND OPTICAL REASONS, SO AS TO ESTABLISH AN "OBJECTIVE" CRITERION FOR EXCEPTIONS AND AVOID NAMING INDIVIDUAL PARTICIPANTS IN THE DOCUMENT. A GENERAL PARA-PHRASE OF WHAT THIS COMPLEX PARAGRAPH IN FACT MEANS HAS BEEN ATTEMPTED ABOVE, UNDER "GENERAL COMMENTARY".

THE WORD "FRONTIER" IS UNDERSTOOD IN ALL CSCE DOCUMENTS TO COMPREHEND BOTH LAND AND SEA BOUNDARIES. SEA FRONTIERS ARE THE OUTER LIMITS OF TERRITORIAL WATERS. THUS "250 KILOMETERS FROM ITS FRONTIER FACING OR SHARED WITH ANY OTHER EUROPEAN PARTICIPATING STATE" INCLUDES SOVIET AND TURKISH LAND FRONTIERS FROM NORTH CAPE TO THE CAUCASUS; SOVIET SEA FRONTIERS IN THE BALTIC (FACING SWEDEN AND FINLAND) AND BLACK SEA (FACING TURKEY); AND TURKISH SEA FRONTIERS IN THE BLACK SEA (FACING THE USSR),

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AEGEAN (FACING GREECE), AND MEDITERRANEAN (FACING CYPRUS). THE WORD "EUROPEAN" IN THE ABOVE PHRASE, HOWEVER, EFFECTIVELY EXCLUDES THE SOVIET ARTIC COAST BEYOND 250 KILOMETERS FROM THE NORWEGIAN AND FINNISH BORDERS, SINCE CANADA AND THE U.S. ARE NOT EUROPEAN PARTICIPATING STATES, EVEN IF THE USSR MIGHT BE CONSIDERED TO "FACE" THEIR ARCTIC TERRITORY.
THE SECOND PART OF THE SENTENCE, BEGINNING WITH "THE PARTICIPATING STATE NEED NOT," PROVIDES "AN EXCEPTION TO THE EXCEPTION." THE PARAGRAPH WOULD BE MORE GRAMMATICAL AND SLIGHTLY EASIER TO UNDERSTAND IF A PERIOD OR SEMICOLON WERE PLACED BEFORE THIS CLAUSE, BUT THE CYPRUS DELEGATION REJECTED THIS CHANGE IN LAST MINUTE

NEGOTIATIONS, AND OTHERS ACQUIESCED LEST THE CONCLUSION OF THE CONFERENCE BE JEOPARDIZED ON THIS NEURALGIC POINT. THE EFFECT OF THE SECOND PART OF THE PARAGRAPH IS TO
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EXEMPT TURKEY AND THE USSR FROM OBLIGATORY NOTIFICATION OF MANEUVERS IN AREAS THAT ARE "CONTIGUOUS" TO IRAN, IRAQ AND SYRIA, EVEN IF THE MANEUVERS WOULD OTHERWISE NEED TO BE ANNOUNCED AS BEING WITHIN 250 KILOMETERS OF THE SOVIET-TURKISH FRONTIER IN THE CAUCASUS OR OF THE EASTERN PART OF TURKEY'S MEDITERRANEAN COAST. JUST HOW MUCH TERRITORY IS "CONTIGUOUS" IS SUBJECT TO INTERPRETATION BY THE STATE CONDUCTING AND/OR NOTIFYING THE MANEUVER. THE WORDS "NON-EUROPEAN" BEFORE "NON-PARTICIPATING STATE" WERE ADDED TO MAKE DOUBLY CLEAR THAT THIS EXCEPTION WOULD NOT IN ANY EVENT APPLY TO GREEK AND YUGOSLAV FRONTIER AREAS BORDERING ALBANIA, WHICH WAS A "NON-PARTICIPANT" BUT NOT A "NON-EUROPEAN" ONE.

PARAGRAPH 5 -- THE TERMS OF THIS PARAGRAPH ARE CLEAR AND SELF-EXPLANATORY. IT SEEMS EXTREMELY UNLIKELY THAT ANY MANEUVER INVOLVING MORE THAN 25,000 TROOPS WOULD BE "ARRANGED AT SHORTER NOTICE" THAN 21 DAYS, SHORT OF A CRISIS. ON THE OTHER HAND, FOR SUCH A CRISIS SITUATION, IT WAS CONSIDERED DESIRABLE TO PROVIDE FOR NOTIFICATION EVEN AFTER THE 21-DAY DEADLINE HAD PASSED.

PARAGRAPH 6 -- THIS PARAGRAPH HAS BEEN THOROUGHLY AND ACCURATELY ANALYZED IN THE CANADIAN PAPER (REFS B AND D). IN ADDITION, THE GENERAL COMMENTARY GIVEN ABOVE ON "MAJOR MILITARY MANEUVERS" IS RELEVANT.

PARAGRAPH 7 -- THIS PROVISION FOR DISCRETIONARY NOTIFICATION OF MANEUVERS BELOW THE 25,000 TROOP THRESHOLD WAS INCLUDED NOT ONLY TO ENCOURAGE THE SOVIETS AND WARSAW PACT MEMBERS TO NOTIFY SMALLER MANEUVERS, BUT ALSO TO PROVIDE A TEXTUAL BASIS FOR NEUTRALS AND SMALLER NATO ALLIES NOT OTHERWISE AFFECTED BY THE MANEUVERS

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MEASURE TO PARTICIPATE IN THE EXCHANGE OF NOTIFICATIONS, AND THUS TO MAKE THEIR OWN INDIVIDUAL CONTRIBUTIONS TO CONFIDENCE-BUILDING. IT IS ASSUMED THAT MOST NATO ALLIES WILL WISH TO ESTABLISH A PRECEDENT AND A PATTERN OF NOTIFYING SMALLER MANEUVERS, BEARING IN MIND THAT THE INITIAL "THRESHOLD" FAVORED BY NATO FOR NOTIFICATION OF MANEUVERS WAS 10,000 TROOPS.

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PARAGRAPH 8 -- THIS PARAGRAPH IS INTENDED TO PROVIDE FOR PURELY DISCRETIONARY NOTIFICATION OF MANEUVERS NOT COVERED BY PARAGRAPHS 1-7 ABOVE. ALTHOUGH THE WORDS "IN EUROPE" DO NOT APPEAR IN THIS PARAGRAPH OR IN THE

PRECEDING ONE, THE U.S. REPRESENTATIVE MADE A STATEMENT AT THE TIME OF PROVISIONAL REGISTRATION TO THE EFFECT THAT NEITHER PARAGRAPH SHOULD BE CONSIDERED TO APPLY BEYOND THE AREA DESCRIBED IN PARAGRAPH 3. THIS STATEMENT WAS NOT CHALLENGED.

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Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 30 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 APR 2003 by BoyleJA>; APPROVED <07 OCT 2003 by greeneet>
Review Markings:

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US Department of State
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06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: PARM, PFOR, XG, US, NATO, CSCE
To: NATO INFO BONN
USNMR SHAPE
USCINCEUR
USLOSACLANT
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

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